

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

WBM-35650

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on _____

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name _____

Application Number

10/642,708

Filed

08/18/2003

First Named Inventor

Jason L. Werning

Art Unit

3676

Examiner

K.R. Gluchowski

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

/Stephen S. Wentsler/

☐ applicant/inventor.

Signature

Stephen S. Wentsler

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

Typed or printed name

☒ attorney or agent of record. 46403
Registration number _____

216/579-1700

Telephone number

☐ attorney or agent acting under 37 CFR 1.34.

October 15, 2007

Registration number if acting under 37 CFR 1.34 _____

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.

Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/642,708
Applicant : Jason Werning
Filed : August 18, 2003
Title : SECURE SEAL SYSTEM (S³) FOR CENTRAL VACUUM

Confirm No. : 4369
TC/A.U. : 3676
Examiner : Kristina R. Gluchowski

Docket No. : WBM-35650

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

At least for the reasons stated herein, applicant requests withdrawal of the final Office action dated July 13, 2007 and allowance of the application. The three month period for reply expires October 15, 2007. Claims 1-2, 6, 8-13 and 19-29 stand pending in this application.

Claim 29 – grounds of rejection and statutory basis of rejection not stated

In the Detailed Action, the examiner fails to fully and clearly state the grounds or statutory basis for rejecting claim 29. See MPEP 707.07(d). Moreover, it appears claim 29 is allowable over the prior art. For example, the prior art fails to teach or suggest a central vacuum cleaner with a twist-lock latch including a first shelf portion to provide a resting area for the handle portion of the debris receptacle when the debris receptacle is in the lock position and a second shelf portion providing a clearance area for the bead roll of the vertical gasket. Applicant respectfully requests withdrawal of the finality of the Office action and allowance of claim 29.

Applicant Traverses rejection of claims 1-3, 6, 8, 19-21, 23 and 24

Applicant respectfully traverses the examiner's rejection of claims 1-3, 8, 19-21, 23 and 24 in view of 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,813,085 to

Fritz et al. ("Fritz"). Applicant further respectfully traverses the examiner's rejection of claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Fritz.

Applicant traverses the rejection of claims 1-3, 6, 8, 23 and 24

With respect to claim 1, Fritz discloses a flip clip 48 that cannot be considered a "twist-lock latch" as required by claim 1. The flip clip 48 of Fritz fails to include structure that can be considered a twist-lock latch. Moreover, the flip clip of Fritz is not configured to "guide a handle portion of the debris receptacle." Rather, Fritz includes a flip clip that clamps to an area but does not operate to guide a handle portion of a debris receptacle as required by claim 1. Accordingly, applicant respectfully requests allowance of claim 1 and allowance of claims 2, 3, 6, 8, 23 and 24 as depending directly or indirectly from claim 1.

Applicant further traverses the rejection of claims 2 and 24

Fritz also fails to disclose a twist-lock latch comprising "a contoured ramp configured to guide the handle portion of the debris receptacle to the lock position." Rather, Fritz only discloses a flip clip including a hook portion configured to simply clamp an area. Applicant therefore respectfully requests allowance of claims 2 and 24 at least for this additional reason.

Applicant further traverses the rejection of claim 3

Fritz also fails to disclose a twist-lock latch comprising "a stop detent to fully engage the debris receptacle into the lock position" as required by claim 3. Rather, Fritz only discloses a flip clip with no apparent stop detent. Accordingly, applicant respectfully requests allowance of claim 3 at least for this additional reason.

Applicant traverses the rejection of claim 19 and 20

With respect to claim 19, Fritz discloses a flip clip 48 that cannot be considered a "twist-lock latch" and is not configured to "locate a handle portion of a debris receptacle" as required by claim 19. Rather, Fritz can only be considered to comprise a flip clip that clamps to an area and is not configured to operate to locate a handle portion of a debris receptacle in a lock position between the twist-lock latch and the vertical gasket as required by claim 19. Accordingly, applicant respectfully requests allowance of claim 19 and allowance of claim 20 depending from claim 19.

Applicant traverses the rejection of claim 21

With respect to claim 21, Fritz discloses a flip clip 48 that cannot be considered a "latching means for securing the debris receptacle to the canister" as required by claim 21. The flip clip 48 of Fritz does not have structure that can be considered equivalent to the structure described in the specification that is associated with the latching means set forth in

claim 21. Moreover, Fritz discloses a flip clip 48 that cannot be considered a “twist-lock latch” and is not configured to “guide a handle portion of a debris receptacle” as required by claim 21. Rather, Fritz can only be considered to comprise a flip clip that clamps to an area and is not configured to operate to guide a handle portion of a debris receptacle to a lock position between the twist-lock latch and the vertical gasket as required by claim 21. Accordingly, applicant respectfully requests allowance of claim 21.

Applicant Traverses rejection of claims 9-13, 22 and 25-28

Applicant respectfully traverses the examiner’s rejection of claims 9-13, 22 and 25-28 under 35 U.S.C. 103(a) as being unpatentable over Fritz in view of U.S. Patent No. 6,108,860 to Crouse et al. (“Crouse”).

Applicant traverses the rejection of claim 9-13

With respect to claim 9, neither Fritz nor Crouse, alone or in combination, teach or suggest all of the limitations of claim 9. For example, neither Fritz nor Crouse teach or suggest a “twist-lock latch” as required by claim 9. Rather, Crouse only discloses pivot latches 46 (see FIG. 3) for snapping onto mounting posts 40 for pivotal motion about the mounting posts 40 (col. 3, lines 47-49). The pivot latches 46 are pivoted radially over flanges 60 to radially receive the flanges. The pivot latches 46 of Crouse cannot be considered a “twist-lock latch” and do not have any function that can be considered to operate as a twist-lock latch. Moreover, Crouse fails to teach or suggest an open lateral end portion configured to laterally receive a handle portion of a debris receptacle from a position outside a canister. Rather, Crouse includes a pivoting latch 46 with an open inner side that is pivoted over the flange 60 to radially receive the flange 60. The twist-lock latch of claim 9 allows twisting movement between a receptacle and a canister such that the open lateral end portion laterally receives the handle portion of the debris receptacle. In contrast, Crouse does not involve twisting movement but prepositions a powerhead 6 with respect to a tank 2. Then, while the powerhead 6 and tank 2 remain stationary with respect to one another, the pivot latches 46 are pivoted (not twisted) such that the open inner side (not an end portion) is radially inserted over a flange 60 such that the flange radially (not laterally) enters the open inner side (not an open lateral end portion) of the pivot latch. Accordingly, as neither Fritz nor Crouse, alone or in combination, disclose all of the limitations of claim 9, applicant respectfully request withdrawal of the rejection of claim 9 and the rejection of claims 10-13 as depending from claim 9.

Applicant further traverses the rejection of claim 10

In addition, contrary to the assertion of the examiner, the pivot latch of Crouse fails to teach or suggest a second shelf portion to provide a clearance area for a gasket as required by claim 10. Rather, Crouse only discloses a pivot latch 46 with structure configured to engage the flange 60. Accordingly, applicant respectfully requests allowance of claim 10 at least for this additional reason.

Applicant further traverses the rejection of claim 11

In addition, contrary to the assertion of the examiner, the pivot latch of Crouse fails to teach or suggest a contoured ramp configured to guide the handle portion of the debris receptacle into place. Rather, Crouse only discloses a pivot latch 46 with structure configured to radially engage a stationary flange 60. Indeed, the flange 60 remains stationary as the pivot latch 46 pivots. Accordingly, not only does the pivot latch 46 fail to include a contoured ramp, the pivot latch 46 is not configured to guide the flange 60 since the flange remains stationary as the pivot latch 46 pivots. Accordingly, applicant respectfully requests allowance of claim 11 at least for this additional reason.

Applicant further traverses the rejection of claim 13

In addition, contrary to the assertion of the examiner, the pivot latch of Crouse includes pivoting latches that pivot relative to mounting posts. Accordingly, the pivoting latches of Crouse include moving parts and teach away from any mechanism including no moving parts. In contrast, claim 13 requires a twist-lock latch that has no moving parts. Accordingly, applicant respectfully requests allowance of claim 13 at least for this additional reason.

Applicant traverses the rejection of claim 22

With respect to claim 22, neither Fritz nor Crouse, alone or in combination, teach or suggest a twist-lock latch with an open lateral end portion configured to laterally receive the handle portion of the debris receptacle. Accordingly, applicant respectfully requests allowance of claim 22 at least for this additional reason.

Applicant traverses the rejection of claim 25

With respect to claim 25, neither Fritz nor Crouse, alone or in combination, teach or suggest a twist-lock latch including a first shelf portion to provide a resting area for a handle portion of a debris receptacle when the debris receptacle is in the lock position and a second shelf portion providing a clearance area for a bead roll of a vertical gasket. Accordingly, applicant respectfully requests allowance of claim 25 at least for this additional reason.

Applicant traverses the rejection of claim 26 and claims 27-29 depending directly or indirectly from claim 26

With respect to claim 26, neither Fritz nor Crouse, alone or in combination, teach or suggest all of the limitations of claim 26. For example, neither Fritz nor Crouse teach or suggest a "twist-lock latch" as discussed above. Moreover, Crouse fails to disclose a contoured ramp configured to guide a handle portion of a debris receptacle to a lock position as suggested by the examiner. Rather, the flange 60 of Crouse remains stationary as the pivot latches 46 pivot over the flanges 60. Thus, the pivot latches of Crouse cannot be considered to have a configuration to "guide a handle portion." Moreover, Crouse fails to teach or suggest an open lateral end portion configured to laterally receive a handle portion of a debris receptacle. Rather, Crouse includes a pivoting latch 46 with an open inner side that is pivoted over the flange 60 to radially receive the flange 60. The twist-lock latch of claim 26 allows twisting movement between a receptacle and a canister such that the open lateral end portion laterally receives the handle portion of the debris receptacle. In contrast, Crouse does not involve twisting movement but prepositions a powerhead 6 with respect to a tank 2. Then, while the powerhead 6 and tank 2 remain stationary with respect to one another, the pivot latches 46 are pivoted (not twisted) such that the open inner side (not an end portion) is radially inserted over a flange 60 such that the flange radially (not laterally) enters the open inner side (not an open lateral end portion) of the pivot latch. Accordingly, as neither Fritz nor Crouse, alone or in combination, disclose all of the limitations of claim 26, applicant respectfully requests withdrawal of the rejection of claim 26 and the rejection of claims 27-29 as depending from claim 26.

For the reasons set forth above, applicant respectfully request withdrawal of the rejections of the claims and allowance of the application. If there are any additional fees resulting from this communication, or if no check is enclosed, please charge same to our Deposit Account No. 16-0820, our Order No. WBM-35650.

Respectfully submitted,

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